

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-cr-130
	)	(Varlan/Shirley)
RICHARD D. BAILEY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate.

The undersigned held a hearing on May 16, 2007, regarding the Motion to Quash Subpoena [Doc. 130] filed by the Tennessee Bureau of Investigation (“TBI”). By agreement of the parties, TBI submitted the files requested by the subject subpoena to the undersigned for an *in camera* review, and the matter was taken under advisement. [Doc. 134]. Subsequently, on July 17, 2007, the defendant appeared before the District Court for a change of plea hearing. At that time, and in light of his guilty plea, the defendant stated on the record that the issue regarding the subpoenaed TBI files was now moot. [Doc. 158].

For these reasons, the Court finds that the Motion to Quash Subpoena is moot, and it is hereby **DENIED AS MOOT**. The Clerk of the Court is hereby **DIRECTED** to return to the TBI the files submitted to the Court for an *in camera* review.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge